

YELLOWSTONE CONSERVATION DISTRICT

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YELLOWSTONE CONSERVATION DISTRICT REGULAR BOARD OCTOBER MEETING MINUTES

October 7, 2016

8:00 AM

DEQ Conference Room
1371 Rimtop Drive, Billings, MT

BOARD MEMBERS PRESENT: Chad Sedgwick, Chair; Bob Hector, John Pulasky, Stacey Robinson, Jerry Williams

BOARD MEMBERS ABSENT: Clint Peck, Vice-Chair; Clint McFarland, Treasurer

NON-BOARD PRESENT: LaVerne Ivie, YCD Administrator; Darin Swenson, Yellowstone Co. Floodplain
310 applicants and/or agents: Brian Alexander, Sanderson-Stewart Engineering firm
Others: Brandy Gray, Notary

Chair Sedgwick called meeting to order at 8:07 AM.

ROLE CALL

- Chair Sedgwick informed attendees: All issues will be addressed to the Vice-Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, and ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item not on the Agenda. Attendees introduced themselves.

AGENDA CHANGES: None

PUBLIC COMMENTS: None

MINUTES: Hector made a motion to accept the September 14, 2016 regular Board Meeting Minutes as printed, second by Williams, motion passed.

YCD AREA 4 SUPERVISOR VACANCY: One application was received to fill the Area 4 Supervisor vacancy. The applicant, Stacey Robinson was present and provided a brief overview of his qualifications and interest in sitting on the YCD board.

Board decision: Hector made a motion to accept Robinson's application and appoint him to the Yellowstone Conservation District Board of Supervisors effective immediately until the term expires Dec. 31, 2018. Second to the motion by Williams, motion passed unanimously.

- Brandy Gray, Notary for the State of Montana administered the Oath of Office to Robinson.

AGENDA

310's

- **YE-11-17 – C/J Land and Livestock, LP, Yellowstone River** – 5 yr. maintenance permit #YE-16-15 amendment request. Justification for the modification as written: "It is anticipated that under low water flow conditions it may become necessary to dredge and or excavate a minimal amount of material directly under the pump screen at the mobile irrigation pump ramp site as shown on sheet 3 of our original application. This would only be performed as necessary to provide water around our pump screen to maintain water flow to irrigate crops." **Board discussion and decision:** This is a straightforward request that should have been included by the engineering firm in the original application and by adding this verbiage, the landowner will be covered in drought conditions. Pulasky made a motion to accept amendment to the 5 yr. maintenance plan and move the 5 yr. maintenance plan expiration date to Oct. 7, 2021, second by Hector, motion passed with Williams abstaining.

- **YE-10-17 – Alexander Investment Advisors, Hogan’s Slough** management of storm water runoff as it enters the water body. Brian Alexander, Sanderson Stewart engineer provided an overview of the project details: Professional park area where runoff will drain to a proposed infiltration basin where excess runoff is designed to discharge into the Hogan Slough via a new pipe with flared end section situated above the bank of stream. Riprap will be used to armor the outfall structure and will encroach to the bank of the stream in order to prevent potential bank erosion. **Board discussion and decision:** This project is the same design/method as other storm water runoff projects that the YCD board approved in this business subdivision and submitted by Sanderson Stewart on Hogan’s Slough. Ken Frazer, FWP reviewed the application and determined an on-site inspection is not necessary citing the plan is the same as adjacent site projects we have visited. Williams made a motion to accept the project as proposed and issue a 310 permit, second by Hector, motion passed with Robinson abstaining.

Other 310 issues & Projects

- Yellowstone River CD Council Report – Hector reported:
 - Next Council meeting will be held in Billings Oct. 21, 2016
 - Hector and Sedgwick attended the Exxon oil spill \$12.1 million settlement news conference. Hector gave an overview of how the funding might pertain to YRCDC and YCD. Ivie reported that DOJ would like to present the settlement plan at a future YCD board meeting. The Board told Ivie to invite them to the January board meeting,

AGENCY VERBAL REPORTS

- **Administrator’s Report** – provided to board members prior to today’s meeting outlining workload accomplished since the last board meeting. No questions or requests for clarification of items was received from board members.
- **Army Corps of Engineers** – Unable to attend today’s meeting.
- **Beartooth RC&D** – Pulasky reported the next meeting will be held in November at Big Timber
- **DNRC, State Lands** – Jeff Bollman unable to attend today’s board meeting
- **Fish Wildlife and Parks** – Ken Frazer unable to attend today’s board meeting
- **USDA NRCS** – Phil Sandoval unable to attend today’s board meeting
- **Yellowstone County:**
 - **Billings/Yellowstone County Planning Board and City of Laurel Planning Board**
 - Billings – McFarland unable to attend today’s board meeting
 - Laurel – Peck unable to attend today’s board meeting
 - **Yellowstone County Extension** – Steve Lackman emailed the following report: The current rain has put most agricultural operations on hold. We have been fortunate to pick up some fall moisture to add some length to the grazing season and help prepare dryland farming for fall planting. The beet growers are wishing the moisture would stop temporarily to allow sugar beet harvest to continue. Currently, depressed grain and cattle prices are forcing producers to carefully watch their bottom line. A few winter wheat producers are looking at alternative crops that will give them a larger profit margin.
 - **Yellowstone County Floodplain** – Darin Swenson reported that the old Corrette Plant prospective buyers and the Lockwood TED District want to build up the floodplain with fill to get it out of the floodplain. Potential customer of the Corrette Plant wants to store product that currently cannot be stored in floodplain. Swenson will report to YCD on future decisions.
 - **Yellowstone County Weed Department** – Joe Lockwood unable to attend today’s meeting

BUSINESS MEETING

- **Old Business**
 - **West High School Garden Vandalism** – West High science teacher Gayle Lam, Hector, Robinson and Ivie met on school grounds to discuss possible scenarios for collaboration on rebuilding the site. Lam stated that as of now the school has not decided whether to rebuild, re-purpose, or remove the fence around the area. Robinson offered to meet with West High principal, Lam and others to discuss possibilities not only about the garden site but also landscaping the entire campus to make it more student friendly. Hector suggested Robinson be the point person for the project to which he agreed to be.
 - Side note: Hector mentioned that while talking to Lam, she stated that Monarch Butterflies are not in this area of the US. There are butterflies here that are sometimes categorized as Monarch’s but in actuality are not.

Yellowstone River Water Reservation

- **Application – Sheila Stovall, Razer Creek** – This application is on hold until the land sale is final in January.
- **Supervisor Training** – A Water Reservation refresher training course will be offered to all CD’s that administer water reservations. Ivie is to set up the training for a day in early December (dependent upon presenter schedules) at the Yellowstone Valley Electric Coop building in Huntley.

- **Yellowstone Ranger District Custer Gallatin National Forest directive –**

Last Month: Peck provided a memo that he received from concerned landowners that the Ranger posted on the Public Land/Water Access Association, INC's Facebook page. An excerpt from the memo states to 'NEVER ask permission to access the national Forest Service through a traditional route shown on our maps EVEN if that route crosses private land.' The directive refers to routes on private lands trying to be called public access and is only on disputed access routes. **Board discussion and decision:** What can YCD do from a CD mandate? CD's are historically the landowner advocate between agencies and landowners. Letter needs to be sent outlining concerns expressed at today's board meeting, referencing the memo to PLWA, which include: overreach of authority, request a response fully explaining where and how this directive came about, ask for someone to attend a future YCD board meeting, it appears to the YCD board that encouragement is given to people to break the law, send letter to author of directive, his supervisor, his supervisor's supervisor, Gov. Bullock. Peck made a motion to write a response letter, outline YCD concerns and send to above mentioned recipients, second by Sedgwick, motion passed. Ivie is to contact Sweet Grass CD and inquire whether they are aware of the directive and if so, what steps are they taking.

This month: Sweet Grass CD was provided the memo and planned to discuss at their Oct. board meeting. Writing a letter from just YCD might be a bit premature, may need to hold off and inquire with other CD's whether their boards have taken action. **Board decision:** Pulasky made a motion to retract motion from last month to write a letter and wait until YCD hears back from other CD's, second by Williams, motion passed.

- **Songbird Community Garden –** DNRC \$500 mini-grant was reviewed and signed by Chair Sedgwick to help fund construction of raised wooden garden plots.
- **ZooMontana –** Hector reported that he viewed the finished signs for the willow lift project on Canyon Creek at ZooMontana that YCD received a 223 grant to help with construction. The signs have great information including history of the project, project construction, and other pertinent information – all done very professionally.

- **New Business**

- **Legislator meet 'n greet –** Board discussed YCD hosting an event after election to 1) meet the Legislators; 2) provide an overview of concerns; 3) ask for support in conservation resource areas. Hector suggested having a 'hook' to get them to attend – possible topic could be the \$12.1m Exxon oil spill money. Board will think about topics and finalize an invitation at the 11/9/16 board meeting. Ray Beck will be asked to MC the event and Peck will be asked to host at Yellowstone Winery.

- **Treasurer's Report:** Williams made a motion to accept the September Treasurer's report as submitted, second by Pulasky, motion passed.

- **Board Member Meeting Absences:** Peck is away on business; McFarland has the flu. Hector made a motion to accept both absences, second by Williams, motion passed.

- **Travel and/or Meetings:**

- Ivie will represent YCD at the MT Watershed Symposium to be held in Billings Oct. 24~26th. She was responsible for planning and implementing Monday evening's social event at the Western Heritage Center. All Board members were encouraged to attend.

- **Standing Committees**

- **Living Snow Fence/Hanser memorial area –** Sedgwick will repair the fence this spring.
- **NILE –** 4th grade AG-Education program will take place Oct. 17~19th. Everything is on track to make it a great event. The three (3) stream tables scheduled presenters are from DNRC, Bureau of Mines and Geology, YCD Supervisors, MSU and RMC College's environmental education students, and Administrators from Rosebud CD, Stillwater CD and Carbon CD.
 - NRCS's Soil Tunnel will be utilized for the first time as one of the stations the 4th grade students will visit. Sedgwick will help set it up Monday morning.
- **Area 4 Meeting Report –** Sedgwick, Williams, Hector and Ivie reported on the September 23rd meeting hosted by Rosebud CD in Forsyth. Rosebud CD put together a good meeting but YCD attendees were disappointed in MACD's portion of the meeting. Once again, no detailed Treasurer's Report was provided, MACD representatives were not open to suggestions or questions raised by meeting attendees.
- **MACD –** Board members received all correspondence pertaining to MACD prior to today's meeting.

YCD will not be attending the MACD State Convention Nov. 15~18th in Sidney, MT. Williams made a motion for YCD to send a letter to all Montana CD's explaining why YCD will not be in attendance and why YCD will not be paying dues. Reasons include: no detailed T-Report; no dues committee set up as promised by MACD to revamp the dues structure; By-Law changes suggested by Cascade CD will not be addressed and even if they are the Executive committee has power to veto; status of the MACD building loan. Second to the motion by Pulasky, motion passed.

➤ **UNSCHEDULED MATTERS**

-- Hector reported on a new invasive species that he just found out about – poly micro-beads in women's makeup and facial care products. It's causing significant problems with fish as it enter rivers and streams because it does not break down as it goes through the city systems. Other states are making laws and Hector wonders if Montana has addressed the concern. Robinson said that he is a bit familiar with the topic and cautioned reacting to reporting of the outbreak. He knows firsthand that at least one product they say has poly micro-beads does not. FWP will be consulted.

- **BOARD RESIGNATION:** Pulasky informed the board that he will not seek reelection when his term is up December 31, 2016. He cited health and job commitments as reasons for making it necessary to resign.

- **PUBLIC COMMENTS -** None

- **Next YCD Board Meeting** – November 9, 2016

- **Chair Sedgwick adjourned the YCD monthly board meeting at 11:35 a.m.**

Chad Sedgwick, Chairman

LaVerne Ivie, YCD Administrator